

PROVINCE OF CAMARINES SUR, REPRESENTED BY GOVERNOR LUIS RAYMUND F. VILLAFUERTE, JR., PETITIONER, VS. HONORABLE COURT OF APPEALS; AND CITY OF NAGA, REPRESENTED BY MAYOR JESSE M. ...

G.R. No. 175064. September 18, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This Petition for Certiorari[1] under Rule 65 of the Rules of Court seeks to annul and set aside the Decision[2] dated 28 June 2004 and the Resolution[3] dated 11 August 2006 of the Court of Appeals in CA-G.R. SP No. 56243. The assailed Decision of the appellate court denied due course the Petition for Review on Certiorari[4] filed by petitioner Province of Camarines Sur (Camarines Sur), while the assailed Resolution denied the Motion for Reconsideration of the earlier Decision.

The property subject of the instant case is a parcel of land, known as Plaza Rizal, situated within the territory of herein respondent City of Naga and with an aggregate area of 4,244 square meters, more or less. Plaza Rizal is located in front of the old provincial capitol building, where the Provincial Government of Camarines Sur used to have its seat, at the time when the then Municipality of Naga was still the provincial capital.

On 18 June 1948, Republic Act No. 305[5] took effect and, by virtue thereof, the Municipality of Naga was converted into the City of Naga. Subsequently, on 16 June 1955, Republic Act No. 1336[6] was approved, transferring the site of the provincial capitol of Camarines Sur from the City of Naga to the barrio of Palestina, Municipality of Pili.[7] The Municipality of Pili was also named as the new provincial capital.[8]

On 13 January 1997, the City of Naga filed a Complaint[9] for Declaratory Relief and/or Quieting of Title against Camarines Sur before the Regional Trial Court (RTC) of the City of Naga, Branch 61, which was docketed as Civil Case No. 97-3691.

The City of Naga alleged that, for a considerable length of time, Camarines Sur possessed and claimed ownership of Plaza Rizal because of a tax declaration over the said property in the name of the province. As a result, Camarines Sur had long exercised administrative control and management of Plaza Rizal, to the exclusion of the City of Naga. The City of Naga could not introduce improvements on Plaza Rizal, and its constituents could not use the property without securing a permit from the proper officials of Camarines Sur. The situation had created a conflict of interest between the parties herein and had generated animosities among their respective officials.

The City of Naga stressed that it did not intend to acquire ownership of Plaza Rizal. Being a property of the public domain, Plaza Rizal could not be claimed by any subdivision of the state, as it belonged to the public in general. Instead, the City of Naga sought a declaration that the administrative control and management of Plaza Rizal should be vested in it, given that the said property is situated within its territorial jurisdiction. The City of Naga invoked Section 2, Article I of Republic Act No. 305, the Charter of the City of Naga, which states:

SEC. 2. Territory of the City of Naga. -- The city of Naga which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Naga, in the Province of Camarines Sur.

On 21 February 1997, Camarines Sur filed an Answer with Motion to Dismiss.[10] It argued that it was the legal and absolute owner of Plaza Rizal and, therefore, had the sole right to maintain, manage, control, and supervise the said property. Camarines Sur asserted that the City of Naga was without any cause of action because the Complaint lacked any legal or factual basis. Allegedly, Section 2 of Republic Act No. 305 merely defined the territorial jurisdiction of the City of Naga and did not vest any color of right to the latter to manage and control any property owned by Camarines Sur. Furthermore, the remedy of Declaratory Relief was inappropriate because there was no justiciable controversy, given that the City of Naga did not intend to acquire ownership of Plaza Rizal; and Camarines Sur, being the owner of Plaza Rizal, had the right to the management, maintenance, control, and supervision thereof. There was likewise no actual or impending controversy, since Plaza Rizal had been under the control and supervision of Camarines Sur since time immemorial. The remedy of Quieting of Title was inappropriate, as the City of Naga had no legal or equitable title to or interest in Plaza Rizal that needed protection. Lastly, Camarines Sur stated that Plaza Rizal was not a property of public domain, but a property owned by Camarines Sur which was devoted to public use.

In an Order[11] dated 28 May 1997, the RTC denied the Motion to Dismiss of Camarines Sur, since the grounds cited therein were legal issues that were evidentiary in nature and could only be threshed out in a full-blown trial.

On 10 March 1999, the RTC rendered a Decision[12] in favor of the City of Naga, the pertinent portions of which provide:

As understood in the Law of Nations, the right of jurisdiction accorded a sovereign state consists of first, its personal jurisdiction, which in a sense is its authority over its nationals who are in a foreign country and second, territorial jurisdiction, which is its authority over persons and properties within the territorial boundaries x x x.

"The territorial jurisdiction of a state is based on the right of domain. The domain of a State includes normally only the expanse of its territory over which it exercises the full rights of sovereignty." x x x

"Sovereignty, in turn, refers to the supreme power of a State to command and enforce obedience; it is the power, to which, legally speaking all interest[s] are practically subject and all wills subordinate." x x x

Indeed, from the point of view of national law, it is in a sense absolute control over a definite territory. x x x.

In summation therefore from the above-quoted citations, when territorial jurisdiction is being referred to, it means the entire territory over which a State (or any local government unit) can exercise absolute control.

In the instant case, [Camarines Sur] thru (sic) counsel admitted during the pre-trial conference that indeed, the property in question, which is Plaza Rizal, is within the territorial jurisdiction of the [City of Naga]. Thus, applying the above-quoted principles concerning territorial jurisdiction, [Camarines Sur] is barred by its express admission from claiming that it is the Province of Camarines Sur who has the right to administratively control, manage and supervise said Plaza Rizal.

[The contention of Camarines Sur] that [Section 2, Article I] of [Republic Act No.] 305 merely defines [the] territory of the City of Naga has no strong leg to stand on.

The unequivocal and specific import of said provision provides the extent into which the City of Naga can exercise its powers and functions over all its constituents and properties found within its territory. Further, Art. II, Sec. 9, par. b of [Republic Act No.] 305 provides one of the general powers and duties of the City Mayor, to wit:

"To safeguard all the lands, buildings, records, moneys, credits and other property and rights of the city, and subject to the [provisions] of this Charter, have control of all its property."

Considering that the Province [of Camarines Sur] expressly acknowledged that [Section 2, Article I] of [Republic Act No.] 305 merely defines the territory of [the City of Naga], then it is safe to assume that it also accept that the City of Naga as represented by the City Mayor exercises control of all the properties of the City, for properties as used in the above-quoted provision refers to lands, buildings, records, moneys[,] credits and other property and rights of the city. x x x Since [Section 2, Article I] of [Republic Act No.] 305 defines the territory of [the City of] Naga and Plaza Rizal is within its territorial jurisdiction, ergo, it is the City [of Naga] who has the right of administrative control and management of Plaza Rizal.

The RTC thus decreed:

WHEREFORE, premises considered, [Section 2, Article I] of [Republic Act No.] 305 is hereby interpreted and declared in this Court to mean that the administrative control and management of Plaza Rizal is within the City of Naga and not with the Province of Camarines Sur.[13]

Camarines Sur received a copy of the foregoing Decision on 16 March 1999, and filed a Motion for Reconsideration[14] of the same on 30 March 1999. The RTC denied the Motion for Reconsideration of Camarines Sur in an Order[15] dated 1 September 1999. The RTC reiterated that the enactment of Republic Act No. 305, which converted the Municipality of Naga into an independent city, had ipso facto ceased the power of administrative control and supervision exercised by Camarines Sur over the property within the territorial jurisdiction of the Municipality of Naga and vested into the City of Naga. The administrative control and supervision exercised by Camarines Sur over Plaza Rizal, since the time of the creation of the City of Naga and up to the time of the filing of the instant case, was by mere tolerance on the part of the said city. Furthermore, the claim of ownership of Plaza Rizal by Camarines Sur was wanting, given that there was no express legislative action therefor. Public streets, squares, plazas and the like, are not the private property of either the City of Naga or Camarines Sur.

Camarines Sur received a copy of the RTC Order dated 1 September 1999, denying its Motion for Reconsideration, on 3 September 1999. On 8 September 1999, Camarines Sur filed with the RTC a Notice of Appeal.[16] In an Order[17] dated 13 September 1999, the RTC disapproved the Notice of Appeal for non-compliance with the material data rule, which requires the statement of such data as will show that the appeal was perfected on time.

On 13 September 1999, Camarines Sur filed a second Notice of Appeal,[18] which was again disapproved by the RTC in an Order[19] dated 14 September 1999 for having been filed outside of the reglementary period. The RTC noted that Camarines Sur received a copy of the RTC Decision dated 10 March 1999 on 16 March 1999. It thus had a period of 15 days therefrom to file a motion for reconsideration or appeal. Camarines Sur filed its Motion for Reconsideration on 30 March 1999 or on the fourteenth day of the reglementary period. Said Motion for Reconsideration was denied by the RTC in an Order dated 1 September 1999, which was received by Camarines Sur on 3 September 1999. Thereafter, Camarines Sur only had two days left to file its Notice of Appeal, but the province filed said Notice on 8 September 1999, or five days after receipt of the Order denying its Motion for Reconsideration.[20]

On 18 October 1999, Camarines Sur filed before the Court a Petition for Review on Certiorari,[21] which was docketed as G.R. No. 139838. Camarines Sur questioned in its Petition the act of the RTC of giving due course to the Complaint for Declaratory Relief and/or Quieting of Title and the interpretation of said trial court of Section 2, Article 1 of Republic Act No. 305.

In a Resolution[22] dated 17 November 1999, the Court referred the Petition for Review filed by Camarines Sur to the Court of Appeals for appropriate action, holding that the latter had jurisdiction concurrent with that of the former over the case, and no special and important reason was cited for the Court to take cognizance of the case in the first instance. Before the appellate court, the Petition for Review of Camarines Sur was docketed as CA-G.R. SP No. 56243.

On 28 June 2004, the Court of Appeals promulgated the assailed Decision denying the Petition in CA-G.R. SP No. 56243. It pronounced:

We deny the petition.

Where an appeal would have been an adequate remedy but it was lost through petitioner's inexcusable negligence, certiorari is not in order. x x x Certiorari cannot be resorted to as a substitute for the lost remedy of appeal x x x. It is notable that Camarines Sur took this recourse of petition for certiorari only after it twice attempted to avail of appeal, but both of which were DISAPPROVED. Because it made these attempts to appeal, it goes without saying that Camarines Sur believed that the errors it claimed were committed by the court a quo were correctible only by appeal and not by certiorari. Thus, when it subsequently filed the instant petition, it was availing of it as a disallowed substitute remedy for a lost appeal. Time and again it has been ruled that [the] remedies of appeal and certiorari are mutually exclusive and not alternative or successive x x x.

But disregarding for the nonce the lost appeal and its disallowed substitution by certiorari, still the petition would fail because of the absence of grave abuse of discretion. The court a quo had declared that:

The existence of the Municipality of Naga was governed by the provisions of Chapter 57 of the Old Revised Administrative Code, otherwise known as the Regular Municipal Law. A law under which the municipalities in regularly organized provinces like the province of Camarines Sur may be organized. As a consequence of its creation, the Municipality of Naga acquired title to all the property, powers, rights and obligations falling within its territorial limits (62 C.J.S. 193). Being a political subdivision created within an organized province, the administration of the higher political subdivision, the province of Camarines Sur x x x has stood as trustee of all the properties belonging to the State within its territorial limits. This is the legal and logical reason why[,] before the conversion of the municipality of Naga to a City[,] [Camarines Sur] was exercising control and supervision over Plaza Rizal. x x x

This finds support in one of the provisions of the old Administrative Code of the Philippine Islands where it was provided that:

SEC. 2168. Beginning of the corporate existence of new municipality. - x x x.

When a township or other local territorial division is converted or fused into a municipality all property rights vested in the original territorial organization shall become vested in the government of the municipality. x x x.

When Naga was converted from a municipality into a city, all properties under its territorial jurisdiction including Plaza Rizal was vested upon it.[23] (Emphasis ours.)

The fallo of the Court of Appeals decision reads:

WHEREFORE, the petition is DENIED DUE COURSE and DISMISSED.[24]

Camarines Sur sought a reconsideration[25] of the aforequoted Decision, but the Court of Appeals denied the same in the assailed Resolution dated 11 August 2006.

Camarines Sur, thus, filed the instant Petition, raising the sole issue of:

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ACTED WITH GRAVE ABUSE OF

DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT TREATED THE [PETITION FOR REVIEW UNDER RULE 45 FILED BY CAMARINES SUR] AS ONE FOR CERTIORARI UNDER RULE 65 THEREBY DENYING DUE COURSE AND DISMISSING THE PETITION AND EVEN THE MOTION FOR RECONSIDERATION ON THE GROUND THAT THE PETITION WAS AVAILED OF AS A SUBSTITUTE FOR THE LOST APPEAL AND FOR ABSENCE OF GRAVE ABUSE OF DISCRETION.

Camarines Sur argues that the Court of Appeals went beyond its authority and gravely abused its discretion when it treated and resolved the Petition for Review on Certiorari under Rule 45 of the Rules of Court as a Petition for Certiorari under Rule 65, which must allege grave abuse of discretion on the part of the RTC, and which cannot be made a substitute for a lost appeal. Camarines Sur insists that what it filed was a Petition under Rule 45, which raised all reversible errors committed by the RTC and presented all questions of laws.

Moreover, as the Court of Appeals upheld the Decision dated 16 March 1999 of the RTC based on a wrong premise and application of legal principles, Camarines Sur pleads for this Court to decide on the questions of law raised in the dismissed Petition.

First, Camarines Sur avers that the filing of the Complaint for Declaratory Relief and/or Quieting of Title was improper as it was hinged on a pretended controversy. Essentially, the complaint of the City of Naga did not show "an active antagonistic assertion of a legal right, on one side, and a denial thereof, on the other." Such action sought merely to create an unwarranted inference not of a clear right, but of a theoretical implication that a property, even if not legally owned or possessed by a city, could be administratively controlled and managed by it on the sheer expediency of being located within its territorial jurisdiction. Thus, there was no actual controversy between Camarines Sur and the City of Naga, considering that Camarines Sur had always managed and administratively controlled the same, the projects installed thereon and the programs and activities held therein, without any question from the previous Mayors of the City of Naga or from any national official, department, bureau or agency.

Second, Camarines Sur contends that since Plaza Rizal is admittedly located within the territorial jurisdiction of the City of Naga, the question of law is whether the management and administrative control of said land should be vested in the City of Naga, simply because of Article 1, Section 2 of the Charter of the City of Naga. Naga never possessed administrative control and management of Plaza Rizal when it was still a municipality, and it cannot be deemed to have been vested with the same, just because it was converted into the City of Naga - especially when the City admits it does not intend to acquire ownership of Plaza Rizal.

Petition for Review v. Petition for Certiorari

At the outset, the Court holds that the Court of Appeals indeed committed grave abuse of discretion amounting to lack or excess of jurisdiction in erroneously and inexplicably resolving the Petition, which was initially filed by Camarines Sur before the Court, but later referred to the appellate court, as if the same were a Petition for Certiorari under Rule 65 of the Rules of Court. This mistake is evident in the preliminary statement of the case, as found in the first paragraph of the Decision dated 28 June 2004, where the Court of Appeals stated that:

The petitioner Province of Camarines Sur (or Camarines Sur for brevity), represented by Gov. Luis Villafuerte, asks through this Petition for Certiorari that the Decision of Branch 61 of the Regional Trial Court stationed at Naga City x x x be reversed and set aside x x x.[26] (Emphasis ours.)

For a Petition for Certiorari under Rule 65 of the Rules of Court to prosper, the following requisites must be present: (1) the writ is directed against a tribunal, a board or an officer exercising judicial or quasi-judicial functions; (2) such tribunal, board or officer has acted without or in excess of jurisdiction or with grave abuse of

discretion amounting to lack or excess of jurisdiction; and (3) there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law.[27]

There is grave abuse of discretion "when there is a capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, such as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross so as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law." [28]

On the other hand, Rule 45 of the Rules of Court pertains to a Petition for Review on Certiorari, whereby "a party desiring to appeal by certiorari from a judgment, final order or resolution of the x x x the Regional Trial Court x x x, may file with the Supreme Court a verified petition for review on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law, which must be distinctly set forth." [29]

A perusal of the petition referred to the Court of Appeals lays bare the fact that the same was undoubtedly a Petition for Review on Certiorari under Rule 45 of the Rules of Court. Not only does the title of the Petition indicate it as such, but a close reading of the issues and allegations set forth therein also discloses that it involved pure questions of law. A question of law arises when there is doubt as to what the law is on a certain state of facts. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances.[30] The Court of Appeals, thus, could not fault Camarines Sur for failing to allege, much less prove, grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the RTC when such is not required for a Petition for Review on Certiorari.

Likewise, the doctrine that certiorari cannot be resorted to as a substitute for the lost remedy of appeal applies only when a party actually files a Petition for Certiorari under Rule 65 in lieu of a Petition for Review under Rule 45, since the latter remedy was already lost through the fault of the petitioning party. In the instant case, Camarines Sur actually filed a Petition for Review under Rule 45; the Court of Appeals only mistook the same for a Petition for Certiorari under Rule 65.

Be that as it may, the Court still finds that the questions of law invoked by Camarines Sur must be resolved against it.

Declaratory Relief

Declaratory relief is defined as an action by any person interested in a deed, will, contract or other written instrument, executive order or resolution, to determine any question of construction or validity arising from the instrument, executive order or regulation, or statute; and for a declaration of his rights and duties thereunder.[31] The only issue that may be raised in such a petition is the question of construction or validity of provisions in an instrument or statute.[32]

The requisites of an action for declaratory relief are: (1) there must be a justiciable controversy between persons whose interests are adverse; (2) the party seeking the relief has a legal interest in the controversy; and (3) the issue is ripe for judicial determination.[33]

The Court rules that the City of Naga properly resorted to the filing of an action for declaratory relief.

In the instant case, the controversy concerns the construction of the provisions of Republic Act No. 305 or the Charter of the City of Naga. Specifically, the City of Naga seeks an interpretation of Section 2, Article I of its Charter, as well as a declaration of the rights of the parties to this case thereunder.

To recall, Section 2, Article I of Republic Act No. 305 defines the territory of the City of Naga, providing that the City shall comprise the present territorial jurisdiction of the Municipality of Naga. By virtue of this provision, the City of Naga prays that it be granted the right to administratively control and supervise Plaza Rizal, which is undisputedly within the territorial jurisdiction of the City.

Clearly, the interests of the City of Naga and Camarines Sur in this case are adverse. The assertion by the City of Naga of a superior right to the administrative control and management of Plaza Rizal, because said property of the public domain is within its territorial jurisdiction, is clearly antagonistic to and inconsistent with the insistence of Camarines Sur. The latter asserted in its Complaint for Declaratory Relief and/or Quieting of Title that it should maintain administrative control and management of Plaza Rizal having continuously possessed the same under a claim of ownership, even after the conversion of the Municipality of Naga into an independent component city. The City of Naga further asserted that as a result of the possession by Camarines Sur, the City of Naga could not introduce improvements on Plaza Rizal; its constituents were denied adequate use of said property, since Camarines Sur required that the latter's permission must first be sought for the use of the same; and it was still Camarines Sur that was able to continuously use Plaza Rizal for its own programs and projects. The City of Naga undoubtedly has a legal interest in the controversy, given that Plaza Rizal is undisputedly within its territorial jurisdiction. Lastly, the issue is ripe for judicial determination in that, in view of the conflicting interests of the parties to this case, litigation is inevitable, and there is no adequate relief available in any other form or proceeding.[34]

Administrative control and supervision of Plaza Rizal

Republic Act No. 305 took effect on 18 June 1948. At that time, the Spanish Civil Code of 1889 was still in effect in the Philippines. Properties of local government units under the Spanish Civil Code were limited to properties of public use and patrimonial property.[35] Article 344 of the Spanish Civil Code provides:

Art. 344. Property of public use, in provinces and in towns, comprises the provincial and town roads, the squares, streets, fountains, and public waters, the promenades, and public works of general service paid for by such towns or provinces.

All other property possessed by either is patrimonial and shall be governed by the provisions of this code, unless otherwise provided by special laws.

Under the 1950 Civil Code, the properties of local government units are set forth in Article 424 thereof, which reads:

Art. 424. Property for public use, in the provinces, cities, and municipalities, consist of the provincial roads, city streets, municipal streets, the squares, fountains, public waters, promenades, and public works for public service paid for by said provinces, cities, or municipalities.

All other property possessed by any of them is patrimonial and shall be governed by this Code, without prejudice to the provisions of special laws.

Manifestly, the definition of what constitutes the properties for public use and patrimonial properties of local government units has practically remained unchanged.

As regards properties for public use, the principle is the same: property for public use can be used by everybody, even by strangers or aliens, in accordance with its nature; but nobody can exercise over it the rights of a private owner.[36]

It is, therefore, vital to the resolution of this case that the exact nature of Plaza Rizal be ascertained. In this regard, the description thereof by Camarines Sur is enlightening, viz:

The land subject of the Action filed by the City of Naga against the Province of Camarines Sur was a garden that served as the front lawn of the old capitol site in Naga. A monument in honor of our national hero was built by the Provincial Government of Camarines Sur sometime in 1911 on a portion of subject land. Within the same land, a structure as a memorial for Ninoy Aquino was also constructed by the Provincial Government of Camarines Sur; and nearby, a stage in honor of President Manuel Quezon was also built. In the post-martial [law] period there was inscribed in the wall of the said garden the following words: "Freedom Park of Camarines Sur."

A historical marker was erected in the said place which attests to the long standing ownership, possession and management by the Province of Camarines Sur of said place.

All the improvements in said place, such as the construction of monuments and memorial structures, the concreting of its flooring and the walkways, planting of trees and ornamental plants, the construction of the skating or skateboard ring, a public TV facility, an internet café, a gazebo where people from all walks of life discuss religion, political, social and economic issues, a portable stage where cultural shows are held, a giant chessboard on the tiled ground with large pieces for playing, where portable booths are installed for the trade fairs during fiesta or Christmas season, where year-round lights are wrapped around the trees, all of which have been constructed, operated and maintained by the Province of Camarines Sur (not by Naga City) where millions of pesos had been spent for construction and millions of pesos are budgeted annually for maintenance, operating expenses and personnel services by the Province of Camarines Sur.[37]

Unmistakable from the above description is that, at present, Plaza Rizal partakes of the nature of a public park or promenade. As such, Plaza Rizal is classified as a property for public use.

In *Municipality of San Carlos, Pangasinan v. Morfe*,^[38] the Court recognized that a public plaza is a public land belonging to, and, subject to the administration and control of, the Republic of the Philippines. Absent an express grant by the Spanish Government or that of the Philippines, the local government unit where the plaza was situated, which in that case was the Municipality of San Carlos, had no right to claim it as its patrimonial property. The Court further held that whatever right of administration the Municipality of San Carlos may have exercised over said plaza was not proprietary, but governmental in nature. The same did not exclude the national government. On the contrary, it was possessed on behalf and in representation thereof, the municipal government of San Carlos being -- in the performance of its political functions -- a mere agency of the Republic, acting for its benefit.

Applying the above pronouncements to the instant case, Camarines Sur had the right to administer and possess Plaza Rizal prior to the conversion of the then Municipality of Naga into the independent City of Naga, as the plaza was then part of the territorial jurisdiction of the said province. Said right of administration by Camarines Sur was governmental in nature, and its possession was on behalf of and in representation of the Republic of the Philippines, in the performance of its political functions.

Thereafter, by virtue of the enactment of Republic Act No. 305 and as specified in Section 2, Article I thereof, the City of Naga was created out of the territory of the old Municipality of Naga. Plaza Rizal, which was located in the said municipality, thereby ceased to be part of the territorial jurisdiction of Camarines Sur and was, instead transferred to the territorial jurisdiction of the City of Naga. Theretofore, the local government unit that is the proper agent of the Republic of the Philippines that should administer and possess Plaza Rizal is the City of Naga.

Camarines Sur cannot claim that Plaza Rizal is part of its patrimonial property. The basis for the claim of ownership of Camarines Sur, i.e., the tax declaration^[39] covering Plaza Rizal in the name of the province, hardly convinces this Court. Well-settled is the rule that a tax declaration is not conclusive evidence of ownership or of the right to possess land, when not supported by any other evidence. The same is merely an indicia of a claim of

ownership.[40] In the same manner, the Certification[41] dated 14 June 1996 issued by the Department of Environment and Natural Resources-Community Environment and Natural Resources Office (DENR-CENRO) in favor of Camarines Sur, merely stating that the parcel of land described therein, purportedly Plaza Rizal, was being claimed solely by Camarines Sur, hardly constitutes categorical proof of the alleged ownership of the said property by the province.

Thus, being a property for public use within the territorial jurisdiction of the City of Naga, Plaza Rizal should be under the administrative control and supervision of the said city.

WHEREFORE, premises considered, the Petition for Certiorari under Rule 65 of the Rules of Court is hereby DISMISSED. The administrative control and supervision of Plaza Rizal is hereby vested in the City of Naga. Costs against petitioner.

SO ORDERED.

Ynares-Santiago, (Chairperson), Velasco, Jr., Nachura, and Peralta, JJ., concur.

[1] Rollo, pp. 10-39.

[2] Penned by Associate Justice Roberto A. Barrios with Associate Justices Mariano C. del Castillo (now a member of this Court) and Magdangal M. de Leon, concurring; rollo, pp. 40-47.

[3] Rollo, pp. 48-50.

[4] CA rollo, pp. 12-49.

[5] AN ACT CREATING THE CITY OF NAGA.

[6] AN ACT TRANSFERRING THE SITE OF THE PROVINCIAL CAPITOL OF THE PROVINCE OF CAMARINES SUR FROM THE CITY OF NAGA TO THE BARRIO OF PALESTINA, MUNICIPALITY OF PILI IN THE SAME PROVINCE.

[7] Section 1. The site of the provincial capitol of the Province of Camarines Sur is hereby transferred from the City of Naga to the barrio of Palestina, Municipality of Pili, Province of Camarines Sur.

[8] Section 3. Upon approval of this Act, the capital of the Province of Camarines Sur shall be the Municipality of Pili.

[9] The parties to the original complaint were respectively referred to as "CITY GOVERNMENT OF NAGA, herein represented by its City Mayor, Jesse M. Robredo, Plaintiff" and "PROVINCIAL GOVERNMENT OF CAMARINES SUR, herein represented by its Provincial Governor, Luis R. Villafuerte, Defendant." (Records, pp. 1-4) Subsequently, on 17 August 1997, the complaint was amended in order to change the names of the parties to "CITY OF NAGA, herein represented by its City Mayor, Jesse M. Robredo, Plaintiff" and "PROVINCE OF CAMARINES SUR, herein represented by its Provincial Governor, Luis R. Villafuerte, Defendant." (Rollo, pp. 55-59.)

[10] CA rollo, pp. 54-58.

[11] Records, pp. 25-26.

[12] Rollo, pp. 51-53-A.

[13] Id. at 53-A.

[14] CA rollo, pp. 72-88.

[15] Id. at 89-95.

[16] Id. at 117.

[17] Id. at 118.

[18] Id. at 119-120.

[19] Id. at 121.

[20] Thereafter, On 16 September 1999, Camarines Sur filed before the Court a Motion for Extension to file a Petition for Review on Certiorari under Rule 45 of the Rules of Court. (CA rollo, pp. 3-9.) In a Resolution dated 4 October 1999, the Court granted an extension of thirty (30) days counted from the expiration of the reglementary period for filing the said Petition. (CA rollo, p. 10.)

[21] CA rollo, pp. 12-49.

[22] Rollo, p. 54.

[23] Id. at 44-46.

[24] Id. at 46.

[25] CA rollo, pp. 299-325.

[26] Rollo, p. 40.

[27] *Tirazona v. Court of Appeals*, G.R. No. 169712, 14 March 2008, 548 SCRA 560, 575, citing *Manila Memorial Park Cemetery, Inc. v. Panado*, G.R. No. 167118, 15 June 2006, 490 SCRA 751, 762.

[28] *Manila Memorial Park Cemetery, Inc. v. Panado*, id. at 762-763.

[29] RULES OF COURT, Rule 45, Sec. 1, as amended by A.M. NO. 07-7-12-SC.

[30] See *Velayo-Fong v. Velayo*, G.R. No. 155488, 6 December 2006, 510 SCRA 320, 329-330, cited in *Binay v. Odeña*, G.R. No. 163683, 8 June 2007, 524 SCRA 248, 255-256.

[31] Section 1, Rule 63 (Declaratory Relief and Similar Remedies) of the Rules of Court provides:

Section 1. Who may file petition. - Any person interested under a deed, will, contract or other written instrument, or whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, before breach or violation thereof, bring an action in the appropriate Regional Trial Court to determine any question of construction or validity arising, and for a declaration of his rights or duties, thereunder.

[32] *Atlas Consolidated Mining & Development Corporation v. Court of Appeals*, G.R. No. 54305, 14 February 1990, 182 SCRA 166, 177, cited in *Almeda v. Bathala Marketing Industries, Inc.*, G.R. No. 150806, 28 January 2008, 542 SCRA 470, 480.

[33] See *Galarosa v. Valencia*, G.R. No. 109455, 11 November 1993, 227 SCRA 729, 737.

[34] *CJH Development Corporation v. Bureau of Internal Revenue*, G.R. No. 172457, 24 December 2008, 575 SCRA 467, 473.

[35] CIVIL CODE (1889), Art. 343.

[36] In the Matter of Reversion/Recall of Reconstituted Act No. 0-116 Decree No. 388, Heirs of Palaganas v. Registry of Deeds, Tarlac City, G.R. No. 171304, 10 October 2007, 535 SCRA 476, 484.

[37] Rollo, pp. 138-139.

[38] 115 Phil. 608 (1962).

[39] Records, pp. 99-100.

[40] Director of Lands v. Intermediate Appellate Court, G.R. No. 73246, 2 March 1993, 219 SCRA 339, 347.

[41] Records, pp. 101-102.

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